

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

John R. Klug

Application No. 10/673,073

Filed: September 27, 2003

For: METHOD AND APPARATUS FOR  
IDENTIFYING, MANAGING, AND  
CONTROLLING COMMUNICATIONS

Examiner: Lazaro, David R.

Art Unit: 2155

Confirmation No. 9290

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This terminal disclaimer is in response to an Office Action in the above-referenced application dated October 29, 2007, in which the Examiner stated that a terminal disclaimer would overcome the non-statutory double patenting rejection of claims 28 and 43 over claims 13 and 14 of copending U.S. Patent Application No. 11/425,079. A Terminal Disclaimer follows.

The owner of record, John R. Klug, of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second U.S. Application No. 11/425,079 filed on June 19, 2006. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Director is hereby authorized to charge the fee for a terminal disclaimer in the amount of \$130.00, and any additional fees which may be required, or credit any overpayment, to Deposit Account 04-1415.

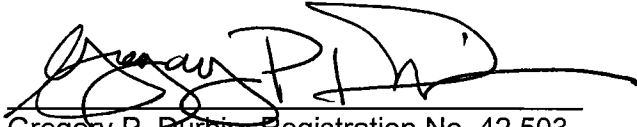
The PTO suggested wording for terminal disclaimer was unchanged.

The undersigned is an attorney of record.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, he is invited to contact the undersigned at 303-629-3400.

Dated: February 29, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory P. Durbin", written over a horizontal line.

Gregory P. Durbin, Registration No. 42,503  
USPTO Customer No. 20686

DORSEY & WHITNEY LLP  
370 17<sup>th</sup> Street, Suite 4700  
Denver, Colorado 80202-5647  
Telephone: 303-629-3400  
Facsimile: 303-629-3450